The Great Grid Upgrade

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Bramford to Twinstead Reinforcement

Volume 8: Examination Submissions

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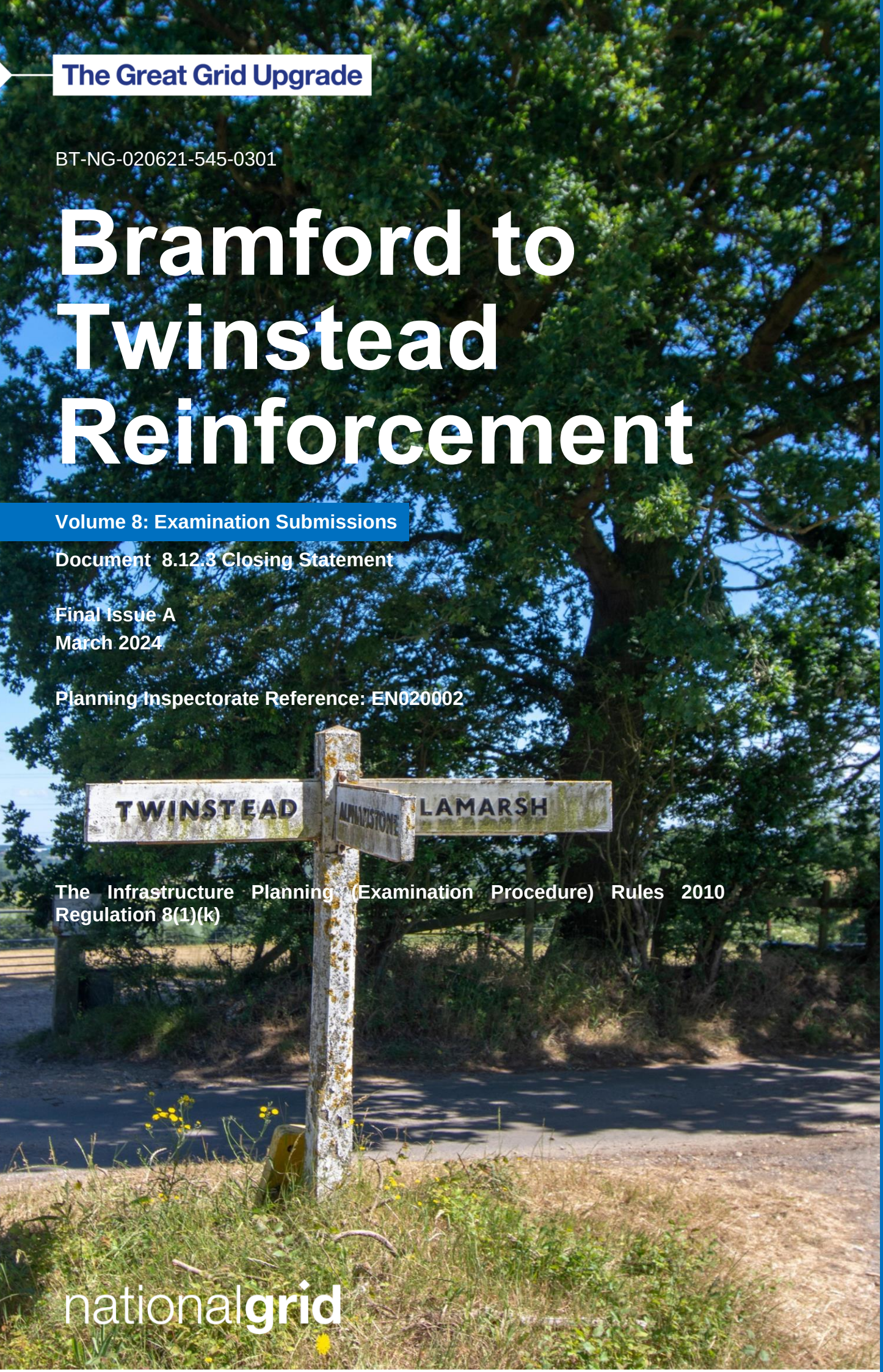

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0. Executive Summary

0.1.1 This 'Closing Statement' is submitted by National Grid Electricity Transmission plc (the Applicant) to summarise its case at the close of the Examination of the application for development consent to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex.

0.1.2 It does not introduce new material. Instead, it summarises the Applicant's position on key matters by way of cross references to documents already submitted into the Examination. It also considers compliance with Section 104 of the Planning Act 2008 and the relevant National Policy Statements (NPS) which guide decision-making on Development Consent Order (DCO) applications.

0.1.3 The project is urgently required to enable significant growth in offshore wind generation, new nuclear and interconnectors to Europe in line with the UK Government's 2050 net zero target. These new sources of electricity generation are needed to meet the electricity demands of our country, maximise energy security and reduce emissions associated with electricity generation to meet decarbonisation targets. Without the Bramford to Twinstead Reinforcement, the capability of the electricity transmission network in East Anglia will be insufficient to accommodate the connection of the proposed new power sources.

0.1.4 The need for the transmission network to be expanded and reinforced could not be clearer in Government strategy and policy such as the National Policy Statements for Energy (Department for Energy Security and Net Zero (DESNZ), 2024), the Connections Action Plan Speeding up connections to the electricity network across Great Britain (DESNZ and Ofgem, 2023), the Electricity Networks: Transmission Acceleration Action Plan (DESNZ, 2023a) the British Energy Security Strategy (HM Government, 2022) and Powering Up Britain: Energy Security Plan (DESNZ, 2023b). This project is one of the early and more urgent elements of the upgrades required to meet Government strategies and targets.

0.1.5 The project has been developed through consultation with consultees and the community for over a decade, developing into a project with limited adverse impacts and significant benefits. In particular, following construction, the project will deliver significant beneficial landscape and visual effects in the Dedham Vale National Landscape (formally known as an Area of Outstanding Natural Beauty) through the removal of overhead infrastructure. Furthermore, despite not yet being mandatory for Nationally Significant Infrastructure Projects, the project has committed to delivering at least 10% biodiversity net gain.

0.1.6 The residual adverse effects are very limited for a project of this scale and nature, have been mitigated where possible and are far outweighed by the significant need and benefits of the project.

0.1.7 The principle of the project and fundamental mitigation proposed is widely supported. There only remain three prescribed consultees where the Applicant has not reached full agreement (the Host Authorities, Network Rail and Natural England) and two non-prescribed consultees (the Royal Society for the Protection of Birds and the Dedham Vale National Landscape and Stour Valley Partnership). Even for these remaining consultees, the majority of matters are agreed, and the Applicant considers that the areas of disagreement are limited in nature and scope.

0.1.8 Due to the high level of consensus on the principles of the development, the Examination of the application has focused predominantly on detailed matters such as construction traffic management and detail in environmental management plans. The Applicant has

worked hard to address these remaining matters and has proposed changes to the project and made additional commitments in response. These changes should be considered as positive steps taken by the Applicant to further improve a project that had already demonstrated compliance with relevant policy.

0.1.9 Section 104 of the Planning Act states that applications must be determined in accordance with the relevant NPS, in this case being EN-1 and EN-5 published in 2011, unless a number of exceptions apply. As set out in the Planning Statement [**REP6-011**] and summarised in Section 3 of this document, the project complies with the relevant NPSs and none of the exceptions apply. Therefore, it is the Applicant's view that the DCO should be made as proposed, without delay, to ensure this critical nationally significant infrastructure project proceeds as swiftly as possible.

1. Introduction

1.1.1 This 'Closing Statement' is submitted by National Grid Electricity Transmission plc (the Applicant) to summarise its case at the close of the Examination of the application for development consent to reinforce the transmission network between Bramford Substation in Suffolk, and Twinstead Tee in Essex.

1.1.2 The Bramford to Twinstead Reinforcement ('the project') would be achieved by the construction and operation of a new electricity transmission line over a distance of approximately 29km comprising of overhead lines and underground cable, four cable sealing end (CSE) compounds and a grid supply point (GSP) substation. It also includes the removal of 27km of existing overhead lines and various ancillary works.

1.1.3 The project meets the threshold as a Nationally Significant Infrastructure Project (NSIP), as defined under Part 3 of the Planning Act 2008, hence the Applicant requires a Development Consent Order (DCO) to construct the project. The project falls within the administrative boundaries of Mid Suffolk District Council, Babergh District Council, Braintree District Council, Suffolk County Council and Essex County Council.

1.1.4 This Closing Statement does not introduce new material. Instead, it summarises the Applicant's position on key matters by way of cross references to documents already submitted into the Examination. It also considers compliance with Section 104 of the Planning Act 2008 and the relevant National Policy Statements (NPS) which guide decision-making on DCO applications.

1.1.5 It is structured as follows:

- The decision-making process for the project under section 104 of the Planning Act 2008 and compliance with the relevant NPS;
- The need case, options considered, benefits of the project, residual effects and the resulting planning balance;
- Extent of matters agreed and not agreed with Interested Parties;
- The case for compulsory acquisition and temporary possession;
- The draft DCO; and
- Concluding position.

2. Decision Making

2.1 Introduction

2.1.1 The Planning Statement [**REP6-011**] sets out the legislative and policy context within which the application for development consent must be determined. The key messages from the Planning Statement as applicable at the close of Examination are summarised below.

2.2 Section 104 Planning Act 2008

2.2.1 Section 104 of the Planning Act states that applications must be determined in accordance with the relevant NPS unless one or more of a number of exceptions apply.

2.2.2 Section 104(2) of the Planning Act 2008 sets out the matters to which the Secretary of State (SoS) must have regard in deciding an application submitted in accordance with the Planning Act 2008. In summary, the matters set out in section 104(2) include any relevant NPS, any Local Impact Report; and any other matters the SoS thinks are both important and relevant to the decision.

2.2.3 Section 104(3) of the Planning Act 2008 requires that the SoS must decide an application for development consent in accordance with any relevant NPS, except to the extent that the SoS is satisfied that, in summary:

(i) doing so would lead to the United Kingdom being in breach of any of its international obligations;

(ii) doing so would lead to the SoS being in breach of any duty imposed on them by or under any enactment;

(iii) doing so would be unlawful by virtue of any enactment;

(iv) the adverse impact of the proposed development would outweigh its benefits; or

(v) that any prescribed condition for deciding the application otherwise than in accordance with the NPS would be met.

2.2.4 In respect to Section 104(3) above:

(i) consenting the project would not lead the UK to be in breach of any international obligations. The Habitats Regulation Assessment (HRA) Report [**REP1-007**] presents the HRA undertaken for the project. Stage 2 Appropriate Assessment found that no adverse effect on the integrity of the SPA and Ramsar sites identified would occur once good practice measures and embedded measures, secured through the Register of Environmental Actions and Commitments [**REP9-037**], are employed. This position is supported by Natural England evidenced in the Statement of Common Ground Natural England [**REP9-027**] and in Natural England's Comments on the Report on the Implications for European Sites [**REP8-054**].

(ii) the granting of the application for development consent would not lead to the SoS being in breach of any duty imposed on him by or under any enactment;

(iii) the granting of the application for development consent would not be unlawful under any enactment;

(iv) the adverse impacts of the project do not outweigh its benefits (see section 3 below); and

(v) that any prescribed condition for deciding the application otherwise than in accordance with the NPS would be met, is not applicable.

2.3 Compliance with National Policy Statements

2.3.1 The relevant NPS for the project is, therefore, of primary importance to the decision-maker in considering the need for the project and its acceptability.

2.3.2 As set out in more detail in Chapter 6 of the Planning Statement [**REP6-011**], there are two relevant NPS, EN-1 (Overarching Energy) and EN-5 (Electricity Networks Infrastructure). EN-1 provides the overarching policy framework for making decisions on development consent applications for energy infrastructure in England, and EN-5 is specifically related to electricity networks infrastructure.

2.3.3 The 2011 Energy NPSs were superseded in January 2024, when revised versions of NPS EN-1 and NPS EN-5 were designated. As stated in paragraph 1.6 of the revised NPS EN-1 (2024), the new NPSs have effect only for applications for development consent accepted for examination following designation of the new NPSs. Given that the DCO application for the project was accepted on 23 May 2023 and the new NPSs were designated in January 2024, the 2011 versions remain those relevant to the project in terms of Section 104(3) of the Planning Act 2008.

2.3.4 Section 104(2) of the Planning Act states that when determining a DCO application the SoS should have regard to *'any other matters the SoS thinks are both important and relevant to the decision'*. It is considered that the revised NPSs are both important and relevant, with their purpose being to determine applications of this type and being very up to date. Given that they could be given considerable weight, the Applicant has also briefly considered compliance with the revised NPSs in this section.

2011 NPS

2.3.5 Paragraph 3.1.3 on NPS EN-1 states: '*The IPC [SoS] should therefore assess all applications for development consent for the types of infrastructure covered by the energy NPSs on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need is as described for each of them in this Part*.'

2.3.6 In the section on the need for electricity transmission apparatus, paragraph 3.7.10 of EN-1 states: '*there is an urgent need for new electricity transmission and distribution infrastructure (and in particular for new lines of 132 kV and above) to be provided. The IPC [SoS] should consider that the need for any given proposed new connection or reinforcement has been demonstrated if it represents an efficient and economical means of connecting a new generating station to the transmission or distribution network, or reinforcing the network to ensure that it is sufficiently resilient and has sufficient capacity*.'

2.3.7 Finally on need, EN-1 indicates at paragraph 4.2.1: '*Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the IPC [SoS] should start with a presumption in favour of granting consent to applications for energy NSIPs'*.

2.3.8 On landscape and visual effects, NPS EN-1 states in paragraph 5.9.8 that: *'Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.*' It should be noted that the policy does not state that adverse landscape and visual effects are unacceptable, indeed, it acknowledges they are often unavoidable. The policy also does not require that all effects should be mitigated or compensated for, instead it encourages *'reasonable mitigation where possible and appropriate'.* The project is not only compliant with this policy, but unusually presents a major infrastructure project with significant beneficial landscape and visual effects and few significant adverse effects.

2.3.9 The project is partially in a nationally designated landscape, being partially within the Dedham Vale National Landscape (formerly known as an Area of Outstanding Natural Beauty (AONB)). In these nationally designated areas, EN-1 paragraph 5.9.9 emphasises that the conservation of the natural beauty of the landscape and countryside should be given substantial weight. Given that the project will have significant beneficial effects on this designation in the long-term (albeit with significant adverse effects during construction), this overall beneficial effect should be given substantial weight in decision-making. The short-term adverse construction effects are justified to deliver the long-term beneficial effects associated with installing new cables underground and removing sections of existing overhead line within this landscape.

2.3.10 NPS EN-1 paragraph 4.1.7 also states that *'The IPC should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects'.* This policy is important to consider when considering requests from Host Authorities to control elements of the development and its construction.

2.3.11 NPS EN-5 provides the policy applicable to determining applications for electricity network infrastructure, such as the project. This document provides guidance on site selection that the Applicant has followed during development of the project. Paragraph 2.3.3 of EN-5 makes it clear that in respect of applications such as this, for a network infrastructure project, it is appropriate to consider where there is clear evidence of demand in that the project is wholly or substantially supported by connection agreements. As set out in Section 4 of this Closing Statement and in the Need Case [**APP-161**], the project will support delivery of a large volume of contracted generation.

2.3.12 On landscape and visual effects, paragraphs 2.8.4 to 2.8.6 of EN-5 describe how these effects should be assessed for network applications and set out a set of rules determining how the Applicant should plan the project to minimise effects. The Applicant has followed these rules in the development of the project. Paragraph 2.8.10 goes on to encourage applicants to consider network reinforcement rather than building an entirely new line (as the Applicant has done on the project).

2024 NPS

2.3.13 The revised NPSs were published in November 2023, before coming into force on 17 January 2024. Appendix F and G of the updated Planning Statement [**REP6-011**] provide signposting to the revised EN-1 and EN-5 respectively.

2.3.14 Of particular importance is revised EN-1 which states that there is a 'Critical National Priority' (CNP) for the provision of nationally significant low carbon infrastructure, with this category including all power lines in scope of EN-5.

2.3.15 Paragraph 3.3.60 of revised EN-1 states: '*Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.'*

2.3.16 Paragraph 4.2.15 - 4.2.17 of revised EN-1 going on to state that: '*Where residual non-HRA or non-MCZ [Marine Coastal Zone] impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.*

2.3.17 *4.2.16 As a result, the Secretary of State will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.*

2.3.18 *4.2.17 This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests […] where development in nationally designated landscapes requires exceptional circumstances to be demonstrated…'.*

2.3.19 The CNP policy provides a very strong presumption in favour of development such as this project. It makes it clear that the presumption is that the need outweighs residual significant effects. As explored below in Section 4, this project has very few adverse effects and the need very clearly and substantially outweighs those adverse effects when considered in the way directed by EN-1.

2.3.20 The revised NPS EN-1 retains very similar text to the 2011 NPS on requirements, stating in paragraph 4.1.16 that *'The Secretary of State should only impose requirements in relation to a development consent that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.'* This shows continuity in the Government's approach to requirements and this should be considered when assessing whether it is appropriate to include any additional or more onerous requirements in the DCO if granted.

2.3.21 The revised NPS EN-5 again sets out the need for new network infrastructure, particularly to support the government's ambition to deploy up to 50GW by 2030 of offshore wind capacity (which this project supports). NPS EN-5 reiterates that electricity grid infrastructure is CNP infrastructure, and like its predecessor, provides guidance on site selection and design that the Applicant has complied with.

2.3.22 NPS EN-5 makes it clear that *'overhead lines should be the strong starting presumption' but* that this presumption is reversed when developments cross part of a nationally designated landscape (paragraph 2.9.20). The project complies with this policy by

focusing predominantly on overhead lines but installing underground cables within the Dedham Vale National Landscape.

2.4 Summary

2.4.1 Overall, the project complies with policy in the relevant NPSs, and with policy in the revised NPSs, which can have weight as important and relevant matters.

3. Need, Options, Benefits and Residual Effects

3.1 The National Need

3.1.1 The urgent national need for the project is set out in the Need Case [**APP-161**] and in Chapter 3 of the Planning Statement [**REP6-011**].

3.1.2 The project is urgently required to enable significant growth in offshore wind generation, new nuclear and interconnectors to Europe in line with the UK government's 2050 net zero target. These new sources of electricity generation are needed to meet the electricity demands of our country, increase energy security and reduce emissions associated with electricity generation to meet decarbonisation targets.

3.1.3 The electricity infrastructure in Great Britain is undergoing unprecedented change in transitioning away from reliance on fossil fuels towards low and no-carbon generation to achieve net zero targets and increase energy security. The need for construction of new generators and the transmission and distribution infrastructure to integrate these generators to the grid is clear.

3.1.4 The need for the transmission network to be expanded and reinforced could not be clearer in Government strategy and policy such as the NPS for Energy ((Department for Energy Security and Net Zero, (DESNZ) 2024), the Connections Action Plan Speeding up connections to the electricity network across Great Britain (DESNZ and Ofgem, 2023), the Electricity Networks: Transmission Acceleration Action Plan (DESNZ, 2023a) the British Energy Security Strategy (Department for Business, Energy and Industrial Strategy (BEIS), 2022) and Powering Up Britain: Energy Security Plan (DESNZ, 2023b). This project is one of the early and more urgent elements of the upgrades required to meet Government strategies and targets.

3.1.5 The transmission system in East Anglia was primarily constructed in the 1960s and has remained largely unaltered since. For many years the only significant power stations generating in the East Anglia region were the Sizewell A and the Sizewell B nuclear power stations, Spalding North and Sutton Bridge gas fired power stations, and smaller 132kV connected gas fired power stations. In recent years, several offshore wind farms have been developed to bring the existing generation to 7,687 MW of installed capacity. In the East Anglia region, connection agreements have been signed in respect of 17,310MW of new generation. These projects would result in total generation of 24,997MW and would result in over three times the electricity being generated in East Anglia than is generated today.

3.1.6 Table 3.2 in the Need Case [**APP-161**] provides a list of electricity generators who have signed connection agreements to connect in East Anglia, with 18 new generators planning to connect between 2024 and 2031 including East Anglia One, Two and Three Offshore Wind Farms, Sizewell C Nuclear Power Station and numerous other interconnectors, wind farms, energy storage and gas-fired generators.

3.1.7 Due to the limited number of physical routes for electrical power to flow in and out of the region, there is a limit to the amount of additional generation that can be incorporated to the national transmission system without further reinforcement. This is because there are currently three double circuit overhead transmission lines carrying power into Bramford

Substation; one from Norwich and two from Sizewell. However, there is currently only one double circuit line carrying power from Bramford Substation out to the west and Twinstead Tee, meaning that the existing overhead line west of Bramford Substation would be overloaded by the end of the decade.

3.1.8 Beyond Twinstead Tee, there are two routes out of the region; one west to Pelham and one south to Braintree-Rayleigh-Tilbury. Adding a double circuit route between Bramford to Twinstead would remove the current bottleneck on the network and make efficient use of the capacity available in those two routes. This, therefore, necessitates the location of the project and is where the network reinforcement is needed to remedy the existing bottleneck in the network.

3.1.9 Without the Bramford to Twinstead Reinforcement, the capacity of East Anglia's existing network is insufficient to accommodate the connection of the proposed new power sources, which in turn are critical to delivering our electricity needs. Many of these projects are already consented or will be shortly, making the network improvements urgent.

3.1.10 The ESO has identified the Bramford to Twinstead Reinforcement as a 'Holistic Network Design essential' option, meaning that it considers the project as essential to meet the UK Government's offshore wind target to connect 50GW of offshore wind capacity to the electricity network by 2030.

3.2 Options Considered

3.2.1 The design of the project is the result of an iterative process that commenced when the need for the reinforcement was originally identified in 2009. It is summarised in the Evolution of the Project document [**APP-166**]. Environmental, engineering, and economic considerations as well as a number of rounds of consultation and the consideration of national and local policy, have all influenced the optioneering and design evolution process.

3.2.2 The Application has undertaken a staged optioneering process, reported in the following documents:

- Strategic Options Report [**APP-162**];
- Route Corridor Study [**APP-163**];
- Connection Options Report [**APP-164**]; and
- Substation Siting Study [**APP-165**].

3.2.3 ES Chapter 3: Alternatives Considered [**APP-071**] documents the main alternatives considered by the Applicant and the main environmental effects and considerations associated with each. How consultation has shaped the project is set out in the Consultation Report [**APP-043**]. Chapter 5 of the Planning Statement [**REP6-011**] highlights how planning policy and material planning considerations have influenced the design and siting of the project.

3.2.4 In summary, the option and design included within the application for development consent was the result of a detailed iterative process, balancing various considerations, that resolves the need case and brings the benefits outlined below.

3.3 Benefits

3.3.1 The project is a CNP project as defined in paragraph 2.12.7 in the new NPS for Electricity Networks Infrastructure (EN-5), (DESNZ, 2024). The project results in clear and significant economic, social and environmental benefits, including:

- Enabling a large number of low and zero carbon generators to connect to the transmission network. In particular, the project is fundamental to achieving the Government's ambition to connect up to 50GW of offshore wind by 2030, and reach net zero by 2050 (economic and environmental benefit);
- Contributing to the delivery of a robust, efficient, coordinated and economic system of electricity transmission, in accordance with National Grid's statutory duties and licence obligations (economic and social benefit);
- Supporting the security of the UK's energy supply. There is a clear, long-term economic benefit to reinforcing this part of the network with the cost of reinforcement being significantly outweighed by the constraint costs that would otherwise be incurred if the project was not to proceed (economic and social benefit);
- Delivering benefits to the most sensitive landscapes in the area through the removal of 27km of existing 132kV and 400kV overhead lines from the landscape combined with undergrounding a significant length of new infrastructure. Following construction, the project will deliver long term significant landscape and visual benefits to the Dedham Vale National Landscape (formally AONB) and also to parts of the Stour Valley (environmental benefit), and;
- Delivering at least 10% Biodiversity Net Gain (BNG). This is a benefit National Grid has committed to, despite pre-dating the mandatory introduction of this requirement (environmental benefit).

3.4 Residual Effects

3.4.1 The Applicant has undertaken an iterative and comprehensive Environmental Impact Assessment (EIA) reported in the Environmental Statement [**APP-068** to **APP-155**], in accordance with the Scoping Opinion [**APP-159**].

3.4.2 The Applicant has applied the mitigation hierarchy to the project and looked for ways to avoid and reduce adverse impacts where practicable and mitigate thereafter. This includes actions undertaken through the optioneering of the project, routing, design, mitigation measures and the introduction and amendment of management plans and DCO requirements. Mitigation measures have included, but are not limited to, undergrounding in the most highly valued landscapes, reducing the working area at hedgerow breaches, the use of trenchless construction practices to avoid key environmental features, and mitigation planting. All commitments are secured through the Construction Environmental Management Plan [**REP9-033**] in particular Appendix A the Code of Construction Practice [**REP9-035**] and Appendix B the Register of Environmental Actions and Commitments (REAC) [**REP9-037**].

3.4.3 The residual significant environmental effects are summarised in Environmental Statement Chapter 17: Conclusion [**APP-085**]. There are not predicted to be any residual significant adverse effects at any stage of the project in terms of biodiversity, historic environment, water environment, geology and hydrology, agriculture and soils, traffic and transport, air quality or noise and vibration following mitigation.

3.4.4 The residual significant adverse effects during construction would be short-term in nature and limited to landscape and visual effects due to large scale construction activities taking place in the landscape, typical of any large construction project, and cumulative effects with other developments. Some of these adverse effects during construction must occur to deliver longer term environmental benefits, for example, construction activity associated with removing overhead lines in the National Landscape (formally AONB) and the installation of the underground cables. These effects should be viewed in the context of the much longer term significant beneficial effects on the landscape in that area. Following construction, all the construction effects would be neutral.

3.4.5 The residual significant adverse effects during the operation of the project are similarly very limited and comprise:

- Residual significant beneficial effects:
  - Long term moderate beneficial effects associated with the removal of existing 132kV overhead line on Dedham Vale National Landscape;
  - Long term moderate beneficial effects associated with the removal of the existing 132kV overhead line on two landscape character areas (LCA5 and LCA7); and
  - Long term moderate beneficial effects associated with the removal of the existing overhead line on the views from three community areas (Chattisham, Lamarsh and Polstead).
- Residual significant adverse effects:
  - Long term moderate adverse landscape effect on Landscape Character Area 2 as a result of a new overhead line to the north of Ramsey Wood;
  - Long term moderate adverse effect on views from two community areas (Burstall and Hintlesham); and
  - Long term significant adverse inter-project cumulative effects for landscape and visual immediately around Bramford Substation from the combination of the Bramford to Twinstead Reinforcement, East Anglia THREE (ID DCO-001) (until year 20) and East Anglia GREEN (ID DCO-019).

3.4.6 The relevant NPS (2011) and the revised NPS (2024) recognise that virtually all large infrastructure projects will have adverse landscape and visual effects. However, in this case the adverse effects have been avoided and reduced where practicable, through rationalising existing infrastructure rather than installing a new line, undergrounding of the proposed infrastructure in the most highly valued landscapes (Dedham Vale National Landscape and the Stour Valley), by the use of trenchless construction practises at key environmental features and mitigation planting. The project will result in long-term landscape and visual benefits, in addition to adverse effects.

3.5 Planning Balance

3.5.1 Section 104(3) of the Planning Act 2008 indicates that an application may be determined otherwise than in accordance with the relevant NPS where the adverse impact of the proposed development would outweigh its benefits. Given the very substantial need and benefits of the project and the limited adverse effects, this Applicant submits that this exception does not apply and the application should be determined in line with the relevant NPSs. As set out in Chapter 2, the project complies with the relevant NPSs.

3.5.2 The benefits of the project will significantly and demonstrably outweigh the harm identified.

4. Proactive Working to Resolve Issues

4.1 Introduction

4.1.1 The project has been developed through consultation with key consultees and the community for over a decade, developing into a project with limited adverse effects and additional benefits.

4.1.2 The principle of the project is widely supported, unusually so for a project of this scale and nature.

4.1.3 Due to the high level of consensus on the main aspects of the development, the Examination of the application has focused predominantly on detailed matters such as construction traffic management and detail in management plans. The Applicant has worked hard to address these remaining matters and considers the application including all its management plans to present a policy compliant project that is well mitigated and will deliver significant local and national benefits. The Applicant has proposed changes to its project and made additional commitments in response to the matters raised. These changes should be considered as positive steps taken by the Applicant to further improve a project that had already demonstrated compliance with relevant policy.

4.2 Pre-Application Consultation

4.2.1 The Consultation Report [**APP-043**] sets out how pre-application consultation and engagement shaped the project prior to the examination.

4.2.2 In accordance with requirements of the Planning Act 2008 and informed by inputs from key stakeholders on the engagement methods used, National Grid undertook multi-stage pre-application consultations, allowing consultees several opportunities to provide feedback as the proposals evolved. Several rounds of consultation were undertaken between 2009 and 2013, when work was originally commenced on a reinforcement between Bramford and Twinstead. Following a period of pause, three further rounds of consultation were undertaken in 2021 and 2022.

4.2.3 This approach has sought consultation feedback throughout the development of the project and on all aspects of the proposed development, enabling feedback to influence the design evolution. This resulted in:

- Review and confirmation of undergrounding in two stretches of the route (Dedham Vale National Landscape and parts of the Stour Valley). This is a key embedded measure to reduce impacts on sensitive landscapes;
- Relocation of the Dedham Vale East CSE compound further from the National Landscape boundary to a location by Millfield Wood. This location benefits from natural screening, and results in greater separation from the National Landscape;
- Relocation of the Stour Valley West CSE compound to the southern side of Henny Back Road. This location benefits from a natural depression in the land, and results in the removal of a longer stretch of existing 400kV line in this area;
- Use of full-line tension gantries at all four of the CSE compounds proposed as part of the reinforcement route;

- Refinement and optimisation of the underground cable routes in both the Dedham Vale and Stour Valley sections. This allows a route design that most appropriately balances environmental and engineering constraints with community feedback;
- Use of trenchless undergrounding technologies at the River Box, River Stour and to the south of Ansell's Grove, and the proposed use of ducted underground cable technology in both underground cable sections. This will reduce the surface level impacts and duration of construction;
- Rationalising of the existing overhead line alignment west of Bramford Substation. This delivers engineering benefits but also reduces the number of existing pylons in the landscape;
- Introduction of a temporary access route directly from the A131 to the Stour Valley West CSE compound during construction. This reduces the impact of large construction vehicles on the local road network in this area;
- Changes to the Limits of Deviation (LoD) at the Grid Supply Point (GSP) site and the introduction of landscape mounding, to allow a design that is set back further from the A131 and is screened from views from the east. This increases the landscape and visual mitigation at this site and responds to inputs from the local community; and
- Extensive further commitments, design changes, and refinements to the Order Limits.

4.3 Matters Agreed

4.3.1 Generally, across all Interested Parties the following is agreed:

- There is a need to reinforce the electricity transmission network;
- The option selected between Bramford to Twinstead is the most suitable option;
- The fundamental mitigation proposed is supported:
  - Paralleling with the existing 400kV overhead line;
  - Adopting the route of the existing 132kV overhead line allowing for its removal; and
  - Undergrounding the new 400kV reinforcement within the most sensitive landscapes (Dedham Vale National Landscape and parts of the Stour Valley).

4.3.2 The scope, methodology, outcome and mitigation reported in the Environmental Statement is broadly agreed with the exception of the issues set out in section 4.5 below.

4.3.3 The Applicant's project is well developed, well mitigated, evidence based and planning policy compliant, which again are aspects of the project which are largely not in dispute by Interested Parties.

4.4 The Narrowing of Issues

4.4.1 Throughout the course of the Examination, the Applicant has positively and proactively engaged with all Interested Parties and Affected Persons, endeavouring to consider all representations put forward and respond substantively. This has led to many changes across the suite of control documents. Where a change proposed was not considered necessary or the Applicant was unable to makes a change, the reasons why this was not possible have been explained.

4.4.2 The Applicant progressed Statements of Common Ground (SoCG) with a number of Prescribed Consultees and other Interested Parties. These SoCG were also used as the basis of furthering discussions and significant work has been undertaken during the course of the Examination on narrowing issues to ultimately work towards a position of agreement. The Applicant is pleased to report that it is only in respect of the SoCG with the Host Authorities where there are a substantial number of issues that are not agreed.

4.4.3 Table 2.1 in the Status of Statements of Common Ground (**document 7.3 (J)**) sets out, at a high-level, the progress made with each Consultee during the course of the Examination. Examples of further commitments or controls include:

- Submission of a Public Right of Way Management Plan [**REP8-024**];
- Additional requirement for a Soil Management Plan to be produced and discharged by the relevant planning authority (Requirement 14 of the draft DCO [**REP9-006**]);
- Commitment to undertake Road Safety Audits and submit details to the relevant highway authority (Requirement 11(4) of the draft DCO [**REP9-006**]);
- Additional mitigation measures including limiting the activities taking place in bird breeding season, noise restrictions and ornithological monitoring at Hintlesham Woods SSSI to reduce disturbance to Schedule 1 birds (Landscape and Ecological Management Plan [**REP9-044**]);
- Large number of amendments to the Construction Traffic Management Plan (including heavy goods vehicles and abnormal indivisible load routes, targets for vehicle occupancy, commitment to use of crew vans and regular information reporting with the local highway authorities [**REP8-018**];
- Constraint on the pylon position within the limits of deviation to minimise the impact on the setting of Hintlesham Hall grade 1 listed building (REAC [**REP9-037**]);
- Agreed to submit a Hydrogeological Risk Assessment associated with the trenchless crossings to the Environment Agency and Natural England (REAC [**REP9-037**]);
- Committed to up to a 30-year aftercare period for the mitigation planting MM09 north of Hintlesham Woods (Landscape and Ecological Management Plan [**REP9-044**]);
- The Applicant updated Requirement 9 of the draft DCO [**REP9-006**] to confirm that the reinstatement planting plan submitted to the relevant planning authority must include a landscape plan for each CSE compound, which will show the proposed soft landscaping and proposed finishes for hard landscape features;
- In response to feedback from the Host authorities the Applicant carried out an assessment of the project against the proposed revised NPSs (November 2023) in the Accordance Tables at Appendix F (EN-1) and Appendix G (EN-5) of the updated Planning Statement [**REP6-011**];
- In response to concerns about noise, the Applicant produced a Technical Note [**REP6-047**] to identify noise sensitive receptors (NSR) that may experience noise during construction, using a lower noise threshold. In response to this, the Applicant has added a commitment to undertake additional noise measures at the identified NSR and has also committed to not undertaking percussive piling on Sundays in Requirement 7(3) of the draft DCO [**REP9-006**]; and
- The Applicant also provided additional details during the course of the examination on many topics including technical notes on Dedham Vale AONB (now National Landscape) special qualities and statutory purpose [**REP1-032**], ancient and potential

ancient woodland [**REP3-046**], cultural associations [**REP5-028**], public right of way closure sequencing [**REP6-049**], abnormal indivisible loads [**REP6-038**], temporary and permanent access designs [**REP7-027** and **REP8-038**] and temporary access route off the A131 [**REP4-009**, **REP5-026** and **REP6-037**].

4.4.4 The Applicant has also made significant progress on resolving issues with statutory undertakers as demonstrated by the Applicant's Protective Provisions and Commercial Side Agreements Tracking List (**document 8.7.8 (F)**). The only remaining statutory undertaker where there is disagreement is Network Rail. This is on a project which interfaces with hundreds of statutory undertaker assets including access routes, cables, overhead lines, pipes and substations.

4.5 Remaining Matters which are Not Agreed

4.5.1 There remain a number of matters not agreed between the Applicant and Interested Parties. The Status of Statement of Common Ground (**document 7.3 (J)**) sets out the remaining matters not agreed with consultees in table 3.1 which will help the Examining Authority to balance these matters against the project objectives and benefits.

4.5.2 There only remain three prescribed consultees where the Applicant has not reached full agreement (the Host Authorities, Network Rail and Natural England) and two non-prescribed consultees (the RSPB and the Dedham Vale National Landscape and Stour Valley Partnership). Even for these remaining consultees, the majority of matters are agreed and the Applicant considers that the matters not agreed are limited in nature and scope.

4.5.3 The Host Authorities collectively submitted a representation to the Examining Authority at Deadline 8 [**REP8-044**] that set out their remaining key issues. Suffolk County Council (SCC) and Babergh and Mid Suffolk District Councils (BMSDC) subsequently submitted a 'Final Position Statement' [**REP9-072**] in which they formally object to the making of the DCO in the terms currently proposed by the Applicant. The Applicant responded in full at Deadline 9 in the Applicant's Comments on Host Authorities' Deadline 8 Letter [**REP9-064**].

4.5.4 Given the project fundamentals are supported (after many years of productive dialogue and refinement) the Applicant is surprised at the Host Authorities' position. The Applicant is unclear how these relatively minor issues (non-significant effects and in some cases not even material considerations) led SCC and BMSDC to conclude that they cannot support the project in its current form.

4.5.5 In the Applicant's view the matters that are not agreed are detailed in nature (relating to who controls construction of the project) rather than related to the principles of the project. It is the Applicant's view that proposals for implementation and control of the construction of the project are proportionate (based on a policy and evidence-based approach), with precedent, and the level of control requested by the Host Authorities is unnecessary and restrictive.

5. Compulsory Acquisition

5.1 Statement of Reasons

5.1.1 In its application for the project, the Applicant seeks powers of compulsory acquisition and temporary possession in respect of certain land interests. The Statement of Reasons [**REP9-011**] set out the reasons for seeking powers for the compulsory acquisition of land and/or rights in the land. It also explains the extent of and reasons for the temporary use of land. The powers are being sought to ensure that the Applicant has the requisite powers to construct, operate and maintain the project.

5.1.2 The Statement of Reasons demonstrates that there is a compelling case in the public interest for the relevant land to be subject to powers of compulsory acquisition. It also explains why the use of powers of compulsory acquisition in these circumstances is legitimate and proportionate, and why any interference with the human rights of those with interests in the land proposed to be acquired is justified.

5.1.3 The Statement of Reasons forms part of a suite of documents accompanying the application submitted in accordance with section 55 of the Planning Act 2008 and Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and should be read alongside the other DCO application documents that relate to the compulsory acquisition powers sought by the Applicant, in particular:

- Land Plans [**REP9-004**];
- Works Plans [**APP-010**];
- Special Category Land Plans [**APP-009**];
- Funding Statement [**APP-037**]; and
- Book of Reference [**REP9-016**].

5.2 Funding

5.2.1 The current capital cost of delivering the project is anticipated to be approximately £499 million.

5.2.2 National Grid is satisfied that the funding required to meet the estimated implementation costs will be made available, as set out in the Funding Statement [**APP-037**]. Release of this funding will be subject to the appropriate internal governance and sanction approval process. All major investments carried out by companies within the National Grid Group require the approval of the board of National Grid plc or another designated Committee or Board with the appropriate level of delegated authority.

5.2.3 Funding to construct the GSP substation and to develop the DCO application through to the examination phase has already been released.

5.3 Voluntary Land Agreements

5.3.1 It is the preference of the Applicant that all land and rights should be acquired through negotiation and voluntary agreement. The Applicant has attempted and will continue to

seek to acquire all interests in the land through private land agreements. It is however necessary to seek powers of compulsory acquisition and temporary possession in the DCO application to ensure that, in the event that the ongoing negotiations to acquire land by agreement are ultimately unsuccessful in relation to any part of the land, the project is not precluded from being delivered.

5.3.2 Since the start of the project, through the consultation periods and examination, the Applicant has engaged or endeavoured to engage with all owners and occupiers of the land required for or affected by the project.

5.3.3 The Applicant has also undertaken extensive engagement with all persons with an interest in the relevant land to avoid the need for the exercise of powers of compulsory acquisition. It has offered terms for securing the rights and land needed through voluntary means.

5.3.4 The Applicant has made considerable progress in reaching voluntary agreement with Affected Persons (as detailed in the Compulsory Acquisition and Temporary Possession Objections Schedule [**REP9-056**]). Currently 40% of landowners have agreed Heads of Terms, with more expected to do so shorty. This compares favourably with previous electricity transmission projects.

6. Draft Development Consent Order

6.1.1 The proposed DCO [**REP9-006**] has been developed taking into account the Applicant's considerable experience delivering transmission infrastructure consented under the Planning Act 2008 and other consenting regimes. The reasoning and precedent for the drafting included is outlined in the Explanatory Memorandum [**REP9-008**]. The draft DCO has evolved throughout the Examination (see Applicant's Schedule of Changes to the Draft DCO [**REP9-052**]) in response to ongoing engagement with Interested Parties as outlined in Section 4 above.

6.1.2 The draft DCO is substantially in the form of previous electricity transmission line DCOs, in particular the National Grid (Richborough Connection Project) Order 2017, the National Grid (Hinkley Point C Connection Project) Order 2016 and the National Grid (North London Reinforcement Project) Order 2014. It is also similar to the proposed National Grid (Yorkshire Green Energy Enablement) Order (which is currently in the decision period).

6.1.3 Construction of the Richborough Connection is complete and on Hinkley Point C Connection is nearing completion. The respective DCOs have allowed these essential upgrades to the transmission network to be delivered in an economic and efficient way, whilst minimising environmental and community effects. Where changes have been made since these DCOs, it has either been to take account of learning in the delivery of these projects or to respond to the individual context and nature of the Bramford to Twinstead Reinforcement project.

7. Conclusion

7.1.1 The project will deliver an essential reinforcement of the electricity transmission network in East Anglia. In doing so, the project will enable the connection of vital low carbon generation to the National Grid, including eighteen separate projects due to connect between 2024 and 2031. Projects due to connect in East Anglia by 2031 include East Anglia One, Two and Three Offshore Wind Farms, Sizewell C Nuclear Power Station and numerous other interconnectors, wind farms, energy storage and gas-fired generators. The project is directly enabling the decarbonisation of the energy system and increasing energy security in line with Government aspirations, targets, policies and legislation.

7.1.2 The Applicant has worked with Interested Parties over many years to avoid, reduce, mitigate and compensate for impacts of the development. As a result of this engagement, there is a high level of consensus between the Applicant and Interested Parties on the need for the project and the fundamental mitigation proposed.

7.1.3 The project would reduce the number of overhead lines in the Dedham Vale National Landscape and parts of the Stour Valley; delivering significant beneficial long-term effects to the landscape in these areas. Significant beneficial effects will also be delivered on landscape character areas where existing overhead lines are to be removed in the community areas of Chattisham, Lamarsh and Polstead. The project will also deliver at least 10% biodiversity net gain.

7.1.4 The only significant residual adverse effects of the project predicted during operation are landscape and visual effects (including cumulative effects with other projects), and these too have been limited through careful design and mitigation. As recognised by EN-1 and revised EN-1, virtually all NSIPs have adverse landscape and visual effects and in this case the effects experienced are very limited for the scale and nature of project. Therefore, the benefits of the project substantially and demonstrably outweigh the adverse impacts.

7.1.5 The Applicant is a regulated business and must operate within its remit as the Transmission Licence holder for England and Wales. National Grid is regulated by Ofgem, to ensure value for money for consumers and is required under the Electricity Act to '*develop and maintain an efficient, coordinated and economical electricity transmission system, and to facilitate competition in supply and generation of electricity.'* In practice, this means that National Grid is required to demonstrate the justification of any costs associated with the project (particularly on the basis of policy, supported by comparable precedent), which includes how the project is consented, constructed and operated.

7.1.6 It is essential that National Grid is able to develop and construct projects with flexibility to enable them to embrace new technologies, respond to conditions on site during construction, programme effectively to deliver to tight timescales and develop new solutions to meet environmental objectives. Flexibility in how the project is developed should therefore only be restricted where necessary and requirements should only be placed on the DCO where they meet the criteria set out in NPS EN-1 paragraph 4.1.7 and revised NPS EN-1 paragraph 4.1.16. To do otherwise risks delaying or frustrating the delivery of essential infrastructure, against Government objectives and policy.

7.1.7 This balance of objectives has meant that the Applicant has made concessions throughout the examination, where it was able to, cognisant of the fundamental objectives of the project and in the interests of reaching agreement with Interested Parties. Requirements can and have been accepted where there is a policy requirement or where

required to mitigate significant effects identified through the EIA process. The Applicant is however unable to accept further controls or restrictions that ultimately result in costs for energy consumers or risk delays to the delivery of the project; particularly where those further controls are not evidence or policy based. It is the Applicant's view that the majority of the remaining areas of disagreement fall into this category.

7.1.8 Projects subject to DCO applications should be determined in accordance with the relevant NPSs, unless one or more of five exceptions apply. The project complies with the relevant NPSs (2011 versions) and none of the exceptions apply.

7.1.9 There are many other documents that the SoS may consider important and relevant; and in the Applicant's view these documents overwhelmingly provide further support not only for the need for the project, but the urgency of delivery. In particular, the reference to the project as CNP infrastructure in the revised NPSs.

7.1.10 The Applicant would like to take this opportunity to thank all Interested Parties and Affected Persons for their contributions to the Examination (and consultation prior to that) of the Bramford to Twinstead Reinforcement. The Applicant can reassure parties that it has reviewed all of the representations made and where appropriate, it has made changes to the draft DCO and supporting documents.

7.1.11 The Applicant considers that it has submitted an evidence-based case as to why the DCO should be made as proposed, without delay, to ensure this critical NSIP proceeds as swiftly as possible.

References

Department of Energy and Climate Change (2011) Overarching National Policy Statement for Energy (EN-1).

Department of Energy and Climate Change (2011). National Policy Statement for Electricity Networks Infrastructure (EN-5).

Department for Energy Security and Net Zero, Prime Minister's Office, 10 Downing Street and Department for Business, Energy and Industrial Strategy (2022). British Energy Security Strategy.

Department for Energy Security and Net Zero (2024). Overarching National Policy Statement for Energy (EN-1).

Department for Energy Security and Net Zero (2024). National Policy Statement for Electricity Networks Infrastructure (EN5).

Department for Energy Security and Net Zero and Ofgem (2023) Connections Action Plan Speeding up connections to the electricity network across Great Britain.

Department for Energy Security and Net Zero (2023a) Electricity Networks: Transmission Acceleration Action Plan: Government Response to the Electricity Networks Commission's Report on Accelerating Electricity Transmission Network Build

Department for Energy Security and Net Zero (2023b) Powering up Britain: Energy Security Strategy

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